

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 18 October 2019

Public Authority: The Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference FS50830858, for a decision whether a request for information made by the complainant to the Cabinet Office on 9 January 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant submitted the following request to the Cabinet Office on 9 January 2019:

'All information held within the Honours and Appointments Secretariat relating to the awarding of an honour to Vijay Patel, the CEO of Waymade Healthcare.'

3. The Cabinet Office responded on 29 January 2019 and confirmed that it held information falling within the scope of the request but it considered this to be exempt from disclosure on the basis of sections 37(1)(b) (honours) and 41(1) (information provided in confidence) of the Act.
4. The complainant contacted the Cabinet Office on 11 February 2019 and asked it to conduct an internal review of this response.
5. The Cabinet Office informed him of the outcome of the internal review on 11 March 2019. The review upheld the application of the exemptions cited in the refusal notice.
6. The complainant contacted the Commissioner on 18 March 2019 in order to complain about the Cabinet Office's decision to withhold the information falling within the scope of his request.
7. The Commissioner wrote to the Cabinet Office on 23 July 2019 and asked it to provide her with a copy of the information falling within the scope of the request and submissions to support its application of the exemptions cited in the refusal notice. The Commissioner asked for a response to her letter within 20 working days.
8. To date, the Cabinet Office has not provided the Commissioner with a response to her letter.

Information required

9. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the Cabinet Office shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A full response to her letter of 23 July 2019.

Failure to comply

10. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

11. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF